

**MARK S. ZAID, P.C.**  
**ATTORNEY-AT-LAW**

1250 CONNECTICUT AVENUE, N.W.

SUITE 200

WASHINGTON, DC 20036

TELEPHONE: (202) 454-2809

FACSIMILE: (202) 330-5610

MARK S. ZAID, MANAGING PARTNER (admitted in CT, DC, MD, NY)

E-MAIL: MARK@MARKZAID.COM

BRADLEY P. MOSS, PARTNER (admitted in DC, IL)

E-MAIL: BRAD@MARKZAID.COM

ILANA S. GREENSTEIN, OF COUNSEL (admitted in DC, MD)

E-MAIL: ILANA@MARKZAID.COM

ANDREW P. BAKAJ, SPECIAL OF COUNSEL (admitted in DC, NJ)

E-MAIL: ANDREW@MARKZAID.COM

October 24, 2017

VIA ONLINE PORTAL

Larry Gottesman  
National Freedom of Information Officer  
Environmental Protection Agency  
2882T  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Mr. Gottesman:

Under the Freedom of Information Act, 5 U.S.C. § 552, my firm is submitting this request for copies of the following documents from the Environmental Protection Agency (“EPA”), including cross-references:

- All records – including verbal communications memorialized in writing – reflecting communications between senior EPA officials and employees of Icahn Enterprises L.P. or Icahn Enterprises Holdings L.P. (including Carl C. Icahn) and that concern the regulation of Renewable Identification Number credits.

The EPA’s searches should include, but not be limited to, any communications regarding proposals to amend, modify or otherwise change the existing regulations implicating Renewable Identification Number (“RIN”) credits or the RIN program itself.

For purposes of its searches, the EPA should construe “senior EPA officials” to only encompass Federal civilian employees, political appointees, and contractors serving in GS-14 (or equivalent) positions or higher. The EPA can limit the timeframe of its searches from January 1, 2013, up until the date upon which the EPA begins conducting searches for responsive records. The EPA should not limit its searches to EPA-only records and should

ensure that its searches encompass the following: individual hard drives, shared drives, centralized electronic databases, unclassified e-mail accounts, and classified e-mail accounts.

To the extent that the EPA concludes that responding to a part or entirety of any particular category of requested information requires referral to another USG agency for direct response, please notify our office in writing of that fact and include the identity of the agency in question to which the referral is being made. Additionally, if the EPA concludes that responding to a part or entirety of a particular category of requested information requires consultation with another USG agency whose equities are in question, please notify my office in writing of that fact and identify the agency in question that is being consulted.

If you deny all or any part of this request, please cite each specific exemption that forms the basis of your refusal to release the information and notify me of appeal procedures available under the law. Do not incur expenses beyond \$1,000 without first contacting my office for authorization.

Please note that we would request that any records produced in response to this request be provided in electronic (soft-copy) form wherever feasible. Acceptable formats are .pdf, .jpg, .gif, .tif. If you have any questions about the handling of this request, you may best reach me via (202) 454-2809 or e-mail me at [Mark@MarkZaid.com](mailto:Mark@MarkZaid.com).

Your cooperation is appreciated and we look forward to your response.

Sincerely,

/s/

Mark S. Zaid